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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,963	01/14/2004	Eran Baru	937/1	8183

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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/759,963	Applicant(s) BARU, ERAN	
	Examiner Joseph F. Edell	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 16-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06 February 2006 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16-18 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,697,668 to Chao.

Chao discloses an appendage that includes all the limitations recited in claims 16-18 and 20-22. Chao shows an appendage having a monitor support structure 42 (see Fig. 3), a chassis 1 with a first end on which the monitor support structure is positioned and a second end, a seat connector 113,114 (Fig. 1) having a first end affixed to the second end of the chassis and a second end affixed to a central support

column 13 wherein the chassis includes at least one arcuate and a pair of parallel tubular, elongated support rails, and the seat connector includes a locking bracket with an opening/passage hole through which the central support column passes.

Claims 20-22 use "locking means," which fails to invoke 35 U.S.C. 112, sixth paragraph, because it does not meet the three prong analysis set forth in MPEP § 2181.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16-25, 27, and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT Publication WO 99/04670 to Baru in view of U.S. Patent No. 4,238,097 to Clausen et al.

Baru discloses an appendage that is basically the same as that recited in claims 16-25, 27, and 29-32 except that the seat connector lacks a second end affixed to the central support column of a chair, as recited in the claims. See Figures 1-7 of Baru for the teaching that an appendage having a monitor support structure 52 (see Fig. 1) including a tray with holes 56,58 (Fig. 7) and a pair of grooved rollers 60,62, a chassis 14 with a first end positioning the monitor support structure and a second end and including a pair of parallel, arcuate, tubular, elongated support rails 18,20 passing through the holes of the tray and engaging the grooved rollers, a seat connector 26,28

with a first end affixed to the second end of the chassis and a second end affixed to a chair 24 and including a bracket with passage holes through which distal ends of the support rails are inserted, at least one spacer 22,50, and a foot pedals 30 on the support rails. Clausen et al. show an appendage similar to that of Baru wherein the appendage has a monitor support structure 40 (see Fig. 1), a chassis 30, a seat connector 52 with an end affixed to a central support column 50 of a chair 12, and a bracket (see Fig. 2) of the seat connector with an opening through which the central support column of the chair passes and a lock 80,90 that locks the bracket onto the central support column. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the appendage of Baru such that the seat connector's second end is affixed to a central support column of the chair, and the seat connector's bracket includes an opening through which the central support column of the chair passes, and a lock that locks the bracket onto the central support column, such as the appendage disclosed in Clausen et al. One would have been motivated to make such a modification in view of the suggestion in Clausen et al. that the seat connector's bracket connected to the chair's central support column provides a separable chassis and seat connector for easy shipping and packaging.

6. Claims 26, 28, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baru in view of Clausen et al. as applied to claims 16-25, 27, and 29-32 above, and further in view of U.S. Patent No. 3,606,383 to Mesinger.

Baru, as modified, discloses an appendage that is basically the same as that recited in claims 26, 28, and 33-35 except that the support rails lack helical springs, as

recited in the claims. Mesinger shows an appendage similar to that of Baru wherein the appendage has a seat 18 (see Fig. 1), a chassis with a pair of parallel support rails 27,27', helical springs 35,35' on the ends of the support rails, and retaining elements 39 (Fig. 2) holding the helical springs in position. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the appendage of Baru to include helical springs on the ends of the support rails that extend out beyond the seat connector and retaining elements holding the helical springs, such as the appendage disclosed in Mesinger. One would have been motivated to make such a modification in view of the suggestion in Mesinger that the helical springs providing dampening support of the seat.


### ***Response to Arguments***

7. Applicant's arguments filed 06 February 2006 have been fully considered but they are not persuasive. Applicant argues that the use of the appendage of Chao is different from the use of the appendage of instant application. However, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Applicant's arguments with respect to the teachings of Baru ('670) have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joe Edell  
April 16, 2006